

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
DENNIS JOHN BUTLIN and) CASE NO. 07-21649 JPK
DAYNA RAE BUTLIN,) Chapter 7
)
Debtors.)

ORDER OF RECISION OF NOTICE OF
NON-ENTITLEMENT TO DISCHARGE

On July 2, 2007, the Court entered a Notice of Non-Entitlement to Discharge which noted that the debtors were not entitled to discharge by operation of 11 U.S.C. § 727(a)(9). The debtors' counsel filed a response to that Notice on July 3, 2007, and provided therewith evidence of the debtors' satisfaction of the exception stated in 11 U.S.C. § 727(a)(9)(A).

The Court initiated the practice of issuing notices in the form of that entered on July 2, 2007 in order to alert debtors and their counsel to provisions of BAPCPA which prohibited the entry of discharge under certain circumstances. The notice is generated solely from tip of the iceberg of the Court's record, and thus no investigation of circumstances which might trigger the exceptions under 11 U.S.C. § 727(a)(9) is made by the Court in issuing the Notice. Thus, absent a response such as that filed on July 3, 2007, the Notice would remain on the Court's record, although it is not in and of itself effective to preclude a discharge, being as it is only the Court's notification that it appears that a debtor is not entitled to a discharge.

Counsel for the debtors is applauded for his diligence in bringing this matter to the Court's attention.

IT IS ORDERED that the above-designated Notice entered of record on July 2, 2007 is vacated.

Dated at Hammond, Indiana on July 19, 2007.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors, Trustee, US Trustee, All Creditors, All Parties-in-Interest